GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Intermediate Education – Private Aided Junior Colleges – Regularisation of the gap period from 04.09.2005 to 25.06.2018 in respect of Sri V. Ramachandra Kasyap, Junior Lecturer (Maths) and Sri Kolli. Venkateswara Rao, Junior Lecturer (Maths), P.B.P.R. Junior College (Aided), Edupugallu, Krishna District, as 'ON DUTY' under FR-54 A(3) – Orders – Issued.

SCHOOL EDUCATION (IE) DEPARTMENT

G.O.RT.No. 29 Dated: 17-02-2020

Read the following:-

1. Reptns. of Sri V.Ramachandra Kasyap, and Sri Kolli Venkateswara Rao, PBPR Junior College (Aided), Edupugallu, Krishna District, dated.16.03.2015, 03.09.2015, 12.04.2017 and 02.11.2017.
2. From the Commissioner of Intermediate Education, A.P., Guntur, Lr.Rc.No. Admn.1/9590/2015, dated.28.07.2016.
3. Govt.Memo.No.8840/IE/A2/2015, dated.17.04.2018.
4. From the Commissioner of Intermediate Education, A.P., Guntur,Lr.Rc.No. Admn.1/9590/2015,dated.07.03.2019.
5. Reptns. of Sri V.Ramachandra Kasyap, and Sri Kolli Venkateswara Rao, PBPR Junior College (Aided), Edupugallu, Krishna District, dated.22.03.2019, 06.09.2019 and 19.09.2019.

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ORDER:-

In the reference 1st read above, Sri V.Ramachandra Kasyap, and Sri Kolli Venkateswara Rao, have represented that they were recruited as Junior Lecturers (Maths), P.B.P.R.Junior College (Aided), Edupugallu, Krishna District, through the six men selection committee appointed by the Government in the year 1998 and were admitted into Grant-in-Aid w.e.f.17.02.2001, since then onwards they received the grant-in-aid salary. Consequent on lodging a complaint against both of them in the year 2005 with regard to selection and genuinity of their qualifying certificates, the management kept them under abeyance without any salary and filed criminal case against them.

2. In the ref. 2nd read above, the Commissioner of Intermediate Education, has reported that basing on the verification report, show cause notices were issued to both the individuals as to why their services should not be terminated with immediate effect and they were submitted their explanations. The Correspondent, P.B.P.R.Jr.College (Aided), Edupugallu, Krishna District, had issued termination orders to the above two individuals and lodged a complaint on them. The Commissioner of Intermediate Education, has further stated that the Hon'ble Metropolitan Magistrate Court, Vijayawada, in its judgement dated 18.06.2014 in C.C.No.933/08 found that both the accused are not guilty for the offences u/s 420, 465, 468 and 471 of IPC and requested the Government to take necessary action on the request of the individuals.

3. In the ref. 3rd read above, the Government have permitted the Commissioner of Intermediate Education, to reinstate Sri V.Ramachandra Kasyap and Sri Kolli Venkateswara Rao, Junior Lecturers, into services, on humanitarian grounds, subject to initiate a departmental enquiry and complete the same within a period of two months as per A.P.C.S (CC&A) Rules, 1991, by the competent authorities and whatever the retrospective benefits viz., regularization, monetary and other notional benefits due to be sanctioned to the individuals is strictly, subject to the findings of inquiry officer.

4. In the ref. 4th read above, the Commissioner of Intermediate Education, has further stated that both the individuals were joined into duty on 25.06.2018 and the R.J.D.I.E., Rajamahendravaram, was appointed as Inquiry Officer to inquire into the allegations. The Enquiry Officer in his findings has concluded that the main allegation that, both Sri V.Ramachandra Kasyap and Sri Kolli. Venkateswara Rao submitted fake Post Graduation Qualification Certificates at the time of appointment is not proved in the Criminal Case filed against them. The Judgement was pronounced on 18.06.2014. The Secretary& Correspondent, who has been witnessing the same since 1998 till to date has not made any remarks against both of them either in the court or during correspondence to the departmental authorities. He did not made any appeal in higher court against the judgment. In the absence of recorded material available and also as

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both the individuals were acquitted by Hon'ble Metropolitan Magistrate, Vijayawada, the allegations made against them are not proved with the benefit of doubt given to the individuals by the court and also as the witness were also not made any objection over the certificates issued by Magadh University, which were said to be produced by the individuals at the time of appointment and while furnishing the Judgement in C.C.No.933/08 of the Hon'ble Metropolitan Magistrate Court, Vijayawada and the Metropolitan Session Judge, Vijayawada in Cr.Appeal No.281/2015 and also the Enquiry Report of the R.J.D.I.E., Rajahmahendravaram, the Commissioner of Intermediate Education has requested the Government to regularize the gap period i.e. from 04.09.2005 to 25.06.2018 either treating the gap period as compulsory wait or No work & No Pay as per 54 -(B) & sub-rules (2) & (3) as the allegation made against both them are not held proved.

5. In the ref. 5th read above, Sri V.Ramachandra Kasyap and Sri Kolli. Venkateswara Rao have submitted their further reptns. to the Government, requesting for regularization of the gap period from 04.09.2005 to 25.06.2018 as ON DUTY as they were acquitted by the Hon'ble Metropolitan Magistrate Court, Vijayawada in C.C.No.933/08 and also confirmed the acquittal recorded by the trail court by the Metropolitan Sessions Court.

6. Government have observed that, the Court of Metropolitan Sessions Judge, Vijayawada in Crl.Appeal.No.281/2015 pronounced judgment that, when the prosecution evidence is considered as whole though it creates some suspicion with regard to the mischievous part played by both the accused in securing the jobs as Junior Lecturers from the P.B.P.R College, and thereby cheated the Management as well as the Department also drawing salary on the strength of the forged certificates but such suspicion cannot be the basis to conclude the charges against the accused for the offences U/s 420,465,468 and 471 IPC and the accused are entitled for the benefit of doubt and they are liable to be acquitted for charges".

7. Further, in the G.O.Ms.No.02 Finance (FR-II) Department, dated 04.01.2006, Govt., have issued a Notification amending the provision to sub-rule (3) of F.R.54-A of the Fundamental Rules that "provided that back wages to a suspended / dismissed employee cannot be paid as a matter of course in cases where the employee has been acquitted by the court on benefit of doubt".

8. Keeping in view the Judgment in Crl.Appeal.No.281/2015, Government hereby order to regularize the period of out of employment from 04-09-2005 to 25-06-2018 in respect of Sri V.Ramachandra Kasyap and Sri Kolli Venkateswara Rao, J.Ls, P.B.P.R.Jr. College (Aided), Edupugallu, Krishna District as "ON DUTY" under FR 54(A)(3). Further, Sri V. Ramachandra Kasyap and Sri Kolli Venkateswara Rao, Junior Lecturers (Maths), PBPR Junior College (Aided), Edupugallu, Krishna District are not entitled to the back wages for the period of out of employment, in terms of orders issued by the Government vide G.O.Ms.No.2, Fin. (FR.II) Dept. dt.04-01-2006, as they have been acquitted by the courts on benefit of doubt.

9. The Commissioner of Intermediate Education, A.P., Guntur, shall take necessary action in the matter accordingly.

10. This order issues with the concurrence of the Finance (HR-II) Dept., vide their U.O.No.FIN01-HR/81/2019-HR-II, Dt. 06-01-2020 (Computer No: 924392).

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

B.RAJSEKHAR, IAS
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Commissioner of Intermediate Education, A.P., Guntur.
The individuals through C.I.E., A.P., Guntur.
Copy to:-
The OSD to Hon'ble Minister for School Education.
The P.S to Prl.Secy.(S.E)
The Finance (HR-II) Department.
SF / SCs.

// FORWARDED:: BY ORDER //

SECTION OFFICER